IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8043 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

G S R T CORPN

Versus

BV BHURIYA

Appearance:

MR HS MUNSHAW for the Petitioner.

MR JS BRAHMBHATT for Respondent No. 1

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 01/11/2001

ORAL JUDGEMENT

The present respondent is serving in the S.T. Corporation as Conductor. While he was serving as Conductor, he was subejcted to a charge-sheet on the ground that he had not issued tickets to 9 passengers and that he had also not collected fare from the aforesaid 9 passengers. Ultimately, on conclusion of the Enquiry, he

was subjected to withholding of four increments with cumulative effect.

Aggrieved by the said decision, the respondent raised an Industrial Dispute. The said dispute was referred to the Industrial Tribunal, Vadodara. The said Reference was numbered as Reference (IT) No.52 of 1990.

By the impugned Award dated 17.6.1998, the Industrial Tribunal quashed the order of the Management and the respondent was subjected to penalty of withholding of one increment for two years. Aggrieved by the impugned order of the Tribunal, the S.T. Corporation has filed the present Special Civil Application.

It is not in dispute that the respondent-workman had not collected any amount. It is not a case wherein he had misappropriated any amount. In fact, on that basis, the S.T. Corporation itself took a liberal view by retaining him in service. Mr.Munshaw, however, submitted that the punishment imposed is not adequate and some more penalty was required to be inflicted.

After hearing both the sides, I am of the opinion that it would be in the fitness of things that the Award of the Industrial Tribunal is modified and the concerned workman is subjected to withholding of three increments without future effect. This penalty will have some deterrent effect on the respondent-workman.

In view of what is stated above, the order of the Industrial Tribunal is required to be modified and it is accordingly modified. Instead of the penalty of withholding of one increment for two years, the concerned workman will be subjected to the penalty of withholding of three increments without future effect. Rest of the order of the Industrial Tribunal is confirmed.

The petition is accordingly allowed. Rule is made absolute to the aforesaid extent with no order as to costs.

(P.B. Majmudar, J.)

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(apj)